

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – Detroit

In re:

CITY OF DETROIT, MICHIGAN

Debtor.

Chapter 9
Case No. 13-53846
Hon. Steven W. Rhodes

**GET BACK UP, INC.’S MOTION FOR RELIEF FROM
THE AUTOMATIC STAY AND FOR WAIVER OF PROVISIONS OF
FED.R.BANKR.P. 4001 (a)(3)**

Get Back Up, Inc. (“GBU”), pursuant to 11 U.S.C. § 362(d) as made applicable by 11 U.S.C. § 922(b), L.B.R. 4001-1(E.D.M.), and L.B.R. 9014-1 (E.D.M.), moves for relief from the Automatic Stay to allow a pending case in United States District Court regarding a zoning ordinance to continue and for waiver of the provisions of Fed. R. Bankr. P. 4001 (a)(3). See attached Exhibit A. In support of this Motion, GBU states as follows:

1. This Court has jurisdiction over the proceeding pursuant to 28 U.S.C. §§ 157 and 1334.
2. On July 18, 2013, Debtor filed a petition for relief under Chapter 9 of the Bankruptcy Code.
3. Pursuant to 11 U.S.C. § 922(a), the automatic stay of 11 U.S.C. § 362(a) became applicable at the time that the bankruptcy petition was filed.
4. GBU has a case pending in the U.S. District Court for the Eastern District of Michigan, Case No. 11-cv-13909.
5. This case involves a challenge to the City’s zoning ordinance. A copy of GBU’s most recent motion for a judgment, without exhibits, is attached as Exhibit B.
6. After Judge Cleland issued a decision, GBU asked Judge Cleland to reconsider. Exhibit C.

7. On October 17, 2013, Judge Cleland held that the automatic stay applies. GBU's motion to reconsider thus remains undecided.

8. GBU is prejudiced by any additional delay because it is losing contracts with government agencies, threatening the survival of its operation.

9. GBU's counsel attempted to obtain concurrence from the City of Detroit, by and through its counsel. However, concurrence could not be given at this time.

10. Pursuant to 11 U.S.C. § 922(b), a party may seek relief from stay under 11 U.S.C. § 362(d).

11. 11 U.S.C. § 362(d)(1) permits this Court to grant relief from stay for cause.

12. GBU believes that relief from stay should be given in this case to allow the case to continue.

WHEREFORE, GBU respectfully requests that this Court grant GBU relief from the automatic stay and waive the provisions of Fed. R. Bankr. P. 4001(a)(3), and grant all other relief as this Court deems just.

Respectfully submitted,

By: /s/ Jonathan B. Frank
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Dated: October 22, 2013